

OCT 10 2008

# FACSIMILE COVER SHEET

*The Law Offices of*  
**STRAUB & POKOTYLO**

788 Shrewsbury Ave.  
Tinton Falls, NJ 07724

Telephone: 732-936-1400  
Facsimile: 732-936-1401  
Internet site: www.sp-ip.com

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From: **Michael P. Straub, Esq.**

Date: **October 10, 2008**

Number of Pages Including Cover: **7**

MESSAGE: **FORMAL SUBMISSION OF:**  
**1) Fee transmittal; and**  
**2) Election**

Attorney Docket No.: **HA-HSS-1 (HAL-ID HAL COM 002)**  
Appl. No.: **10/760,172**  
Applicant: **James Charles Wilson**  
Filed: **January 16, 2004**  
Title: **PORTABLE ELECTRONIC DATA STORAGE AND RETRIEVAL SYSTEM FOR GROUP DATA**  
TC/A.U.: **2145**  
Examiner: **Tanim M. Hossain**

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**Michael P. Straub**

Type or print name of person signing certification



Signature

**October 10, 2008**

Date

OCT 10 2008

Modified PTO/SB/17 (01-03)

Approved for use through 04/30/2003. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**FEE TRANSMITTAL**  
**for FY 2008**

Effective 09/30/2007. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 0.00)

## Complete if Known

Application Number	10/760,172
Filing Date	January 16, 2004
First Named Inventor	James Charles Wilson
Examiner Name	Tanim M. Hossain
Art Unit	2145
Attorney Docket No.	HA-HSS-1 (HAL-ID HAL COM 002)

## METHOD OF PAYMENT (check all that apply)

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Deposit Account Number	50-1049
Deposit Account Name	Straub & Pokotylo

The Commissioner is authorized to: (check all that apply)

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## FEE CALCULATION

## 1. BASIC FILING, SEARCH &amp; EXAMINATION FEES

Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid
1090	545	Utility fee	
460	230	Design fee	
720	360	Plant fee	
1520	780	Reissue fee	
220	110	Provisional fee	
SUBTOTAL (1)			(\$ 0.00)

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-35** =	X \$2.00 =	
Multiple Dependent	-3** =	X 220.00 =	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 52	2202 26	Claims in excess of 20
1201 220	2201 110	Independent claims in excess of 3
1203 390	2203 195	Multiple dependent claim, if not paid
1204 220	2204 110	**Reissue independent claims over original patent
1205 52	2205 26	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 0.00)

\*\* or number previously paid, if greater. For Reissues, see above

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051 130	2051 65			Surcharge - late filing fee or oath	
1052 50	2052 25			Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130			Non-English specification	
1812 2,520	1812 2,520			For filing a request for ex parte reexamination	
1804 920*	1804 920*			Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*			Requesting publication of SIR after Examiner action	
1251 130	2251 85			Extension for reply within first month	
1252 490	2252 245			Extension for reply within second month	
1253 1,110	2253 555			Extension for reply within third month	
1254 1,730	2254 885			Extension for reply within fourth month	
1255 2,350	2255 1,175			Extension for reply within fifth month	
1401 540	2401 270			Notice of Appeal	
1402 540	2402 270			Filing a brief in support of an appeal	
1403 1,080	2403 540			Request for oral hearing	
1451 1,510	1451 1,510			Petition to institute a public use proceeding	
1452 540	2452 270			Petition to revive - unavoidable	
1453 1,620	2453 810			Petition to revive - unintentional	
1501 1,510	2501 755			Utility issue fee (or reissue)	
1502 860	2502 430			Design issue fee	
1503 1,190	2503 595			Plant issue fee	
Petitions to the Commissioner - check fee sheet					
1807 50	1807 50			Processing fee under 37 CFR 1.17(c)	
1806 180	1806 180			Submission of Information Disclosure Stmt	
8021 40	8021 40			Recording each patent assignment per property (times number of properties)	
1809 810	2809 405			Filing a submission after final rejection (37 CFR 1.129(e))	
1810 810	2810 405			For each additional invention to be examined (37 CFR 1.129(b))	
1801 810	2801 405			Request for Continued Examination (RCE)	
1802 900	1802 900			Request for expedited examination of a design application	

Other fee (specify)

\* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 0.00)

## SUBMITTED BY

Name (Print/Type)	Michael P. Straub	Registration No. (Attorney/Agent)	36,941	Telephone	(732) 936-1400
Signature	<i>Michael P. Straub</i>	Date	October 10, 2008		

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OCT 10 2008

**IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE**

Attorney Docket No.: HA-HSS-1 (HAL-ID HAL COM 002)

Applicants: James Charles Wilson

Serial No.: 10/760,172

Filing Date: January 16, 2004

Title: PORTABLE ELECTRONIC DATA STORAGE AND RETRIEVAL  
SYSTEM FOR GROUP DATA

Examiner: Tanim M. Hossain

Group Art Unit: 2145

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

S I R:

**Response to Restriction**

This response is in reply to the Election/Restriction  
mailed on September 23, 2008.

In the response, Applicants elect to prosecute the  
claims of Group I, claims 1-14 at this time. **This election  
is made with traverse.** Applicants request that the  
Examiner reconsider and withdraw the restriction given the  
great similarity between the claims and the fact that a  
single search should be sufficient to review all the three  
independent claims in the case. Given the similarity  
between the claims, considering the claims together does  
not place any undue burden on the Examiner which would  
justify the restriction requirement. This is particularly  
the case given that the original claims were already  
searched without a restriction requirement being imposed  
and at this stage the Examiner should merely have to  
supplement the previously conducted search. There is no  
reason the apparatus recited in independent claim 1 should

not be reviewed along with independent method claim 17 which includes features which are expressed as method steps but which are closely related to the features recited in apparatus claim 1.

Since a single search should be possible for all the claims, examination of the claims in a single application does not create any undue burden on the Examiner that would make the Restriction appropriate.

The Examiner has restricted out each independent claim arguing that they each belong to a different claim group. The similarity between the independent claims and thus claim Groups is evident from a comparison of each of the independent claims.

**Independent Claim 1 of Group I recites:**

**A portable device comprising:**

**a memory including stored information corresponding to a plurality of individuals who form a group, the memory including:**

**a plurality of data sets, said plurality of data sets including:**

**i) a plurality of individual member information data sets, each individual member data set corresponding to a different individual member in said group and including at least one of medical information, nutritional information, insurance information, financial information and appointment information specific to the individual group member;**

**ii) a group data set, the group data set including information corresponding to a plurality of members of said group, at least some information in said group data set being aggregated from multiple group member information data sets, said group data set including aggregated information corresponding to at least one of medical information, nutritional information, insurance information, financial information and appointment information; and**

**iii) access control information, said access control information including**

**information being used to limit the amount of access different entities are provided to the content of said plurality of data sets,** the amount of access provided by said access control information depending on at least one of the identity of an entity and a type of service to be provided by an entity;  
a device interface for providing an external device access to information stored in said memory; and  
a security module for limiting access to the stored information via said device interface in accordance with the access control information included in said memory.

**Group II, Independent claim 17 recites:**

A method of operating a portable device including a memory and a device interface to implement a method, the method comprising:  
**storing in the memory of the portable device information, at least some of said information corresponding to members of a group,** information stored in said memory including a plurality of data sets, said plurality of data sets including:  
i) **a plurality of group member information data sets,** each group member information data set corresponding to a different individual member of said group and including at least one of medical information, nutritional information, insurance information, financial information and appointment information specific to the individual group member; and  
ii) **a group data set, the group data set including information corresponding to a plurality of members of said group,** at least some information in said group data set being aggregated from multiple group member information data sets; and  
**restricting different entities from getting access to different portions of the information stored on the memory through said device interface thereby providing different entities different levels of access to said plurality of data sets.**

**Group III, Independent claim 17 recites:**

**A portable data storage device** for communicating information corresponding to a plurality of members of a group, comprising:

**a memory, the memory including a plurality of data sets, said plurality of data sets including:**

- i) a plurality of individual member information data sets, each individual member data set corresponding to a different individual member in said group and including at least one of medical information, nutritional information, insurance information, financial information and appointment information specific to the individual group member;**
- ii) a group data set, the group data set including information corresponding to a plurality of members of said group, at least some information in said group data set being aggregated from multiple group member information data sets, said group data set including aggregated information corresponding to at least one of medical information, nutritional information, insurance information, financial information and appointment information; and**
- iii) access control information, said access control information including information used to limit the amount of access different entities are provided to the content of said plurality of data sets, the amount of access provided by said access control information depending on at least**

one of the identity of an entity and a type of service to be provided by an entity;  
a device interface for providing an external device access to information stored in said memory; and  
a security means for limiting access to the stored information via said device interface in accordance with the access control information included in said memory; and  
wherein said portable data storage device is a smart card.


Given the similarity of the claims, as can be seen from a review of the claims and the features indicated in bold, withdrawal of the restriction requirement is requested.

**Conclusion**

Group I is elected with traverse for the reasons discussed above. Reconsideration of the restriction requirement is requested.

Respectfully submitted,

October 10, 2008

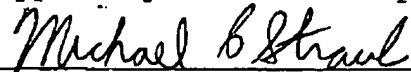
  
Michael P. Straub, Attorney  
Reg. No. 36,941  
Tel.: (732) 936-1400

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Michael P. Straub

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